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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/073,612	02/11/2002	Steven N. Terranova	2400-208A	8811

27820 7590 08/18/2003

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EXAMINER

FRECH, KARL D

ART UNIT PAPER NUMBER

2876

DATE MAILED: 08/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/073,612

Applicant(s)

TERRANOVA ET AL.

Examiner

Karl D Frech

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

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1. The response filed June 25, 2001 has been entered as paper number 15. No amendments have been made.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1,2,4,6,11-17,19-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey et al 5,842,188 in view of Bohnert et al 6,092,629 and Muehlberger et al 6,032,859. As seen in the parent application, Ramsey discloses a fuel dispenser with means to provide cash in excess of a transaction to the customer. There is provided a control system for controlling the fuel dispenser and the customer interface. A central control system is associated with at least one dispenser to effect authorization of a customer transaction. Ramsey discloses a card reader for reading a credit or debit card upon which account the transaction is drawn. Ramsey does not disclose the customer requested "cash back" feature. Bohnert discloses in column 6 lines 5+, a fuel dispenser that provides a "cash back" option. Bohnert, too, does not specifically disclose that the customer requests the "cash back". Muehlberger discloses a customer operated purchasing terminal, which services merchants and allows a customer to request cash back as taught by the use of ATM cards. Further, it has been

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common since before the effective filing date of the current application to receive "cash back" when using an ATM card at a merchant. Applicant's arguments filed February 8, 2001 have been fully considered but they are not persuasive. It would have been obvious to a person of ordinary skill in the art to provide cash back due to user request in the combined system of Ramsey and Bohnert. This would add to the convenience of the self serve fuel pump as it would allow a person to withdraw from an account at time of fuel "fill up". Thus the customer would not need to make a separate trip to the bank.

3. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey et al 5,842,188 and Bohnert et al 6,092,629 as applied to claim 1 above, and further in view of Baker et al 6,032,703. Ramsey and Bohnert disclose the system as seen above. Ramsey and Bohnert do not disclose that the financial information reader is a transponder. Baker discloses a transponder system at a fuel dispenser. It would have been obvious to a person of ordinary skill in the art at the time the invention was made to use the Baker transponder teaching in the combined system of Ramsey and Bohnert. This would allow for hands free transaction processing.

4. Claims 5,7-10,18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ramsey et al 5,842,188 and Bohnert et al 6,092,629 as applied to claims 1,6,15 above, and further in view of Bustos et al 5,918,764. Ramsey and Bohnert fail to teach a currency delivery receptacle as claimed. Bustos discloses a pneumatic product vending system. It would have been obvious to a person of ordinary skill in the art at the invention was made to integrate the

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pneumatic delivery apparatus of Bustos in the combined system of Ramsey and Bohnert. This would allow the fuel pump to be constantly supplied with appropriate funding and provide security as the fuel pumps would not need to store an over abundance of currency.

2. Applicant's arguments filed February 11, 2002 have been fully considered but they are not persuasive. Applicant argues that Gatto cannot be used by the examiner for support of the previous holding of official notice. As seen above, the examiner relies upon Muehlberger for that element, as was the case in the final rejection of the parent application. In light of the case history of the parent application, it is clear that the contestable elements in this current application are those regarding receiving "cash back" at a fuel pump. The fuel pump has been presented with Ramsey and Bohnert. The examiner has also presented cash back at merchant terminals. In this application, the merchant terminal just happens to be a fuel pump. Regardless, the cash back feature adds no effective structure or method to the use of the fuel pump for fueling purposes itself; the cash back feature is merely directed toward a financial transaction. This is what Muehlberger teaches.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Karl D Frech whose telephone number is (703) 305 3491. The examiner can normally be reached on maxi-flex.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G Lee can be reached on (703) 308 4075. The fax phone numbers

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for the organization where this application or proceeding is assigned are (703) 308 7722 for regular communications and (703) 308 7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308 0956.



Karl D Frech
Primary Examiner
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August 9, 2003